

1 .. _____ BILL NO. _____

2 INTRODUCED BY _____
(Primary Sponsor)

3 (Primary Spontaneous)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE GOVERNOR'S OFFICE OF ECONOMIC
5 DEVELOPMENT; ELIMINATING EXEMPT EMPLOYEES FROM THE OFFICE BUT ALLOWING BORROWED
6 EMPLOYEES; REVISING MEMBERSHIP OF THE STATE-TRIBAL ECONOMIC DEVELOPMENT
7 COMMISSION; AMENDING SECTIONS 2-15-218, 2-18-103, 90-1-105, 90-1-112, AND 90-1-131, MCA; AND
8 REPEALING SECTION 90-1-114, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 **Section 1.** Section 2-15-218, MCA, is amended to read:

13 **"2-15-218. Office of economic development -- structure.** (1) There is an office of economic
14 development within the office of the governor.

(2) The head of the office of economic development is the chief business development officer, who must be appointed by the governor. The office of economic development may contract with policy specialists to implement the programs listed in subsection (3) and may enter into agreements to borrow employees from other state agencies to pursue short-term economic development projects of less than 3 years. The provisions of this section may not affect the rights or privileges of any employee temporarily transferred to the office under the public employees' retirement system, the state group insurance plan, or the state personnel system.

21 (3) The focus of the office of economic development is ~~composed of~~ on the following policy and program
22 specialties:

23 (a) business retention and recruitment;

24 (b) workforce development;

25 (c) technology development;

26 (d) infrastructure improvement; and

27 (e) permitting and regulatory processes.

~~(4) The office may employ or contract with policy specialists to implement the programs listed in subsection (3) and the functions referred to in 2-15-219.~~

30 ~~(5)(4)~~ The office may accept grants, and loans, and other gifts from sources other than the state for the

purpose of administering the provisions of 2-15-219, 90-1-112, ~~through 90-1-114~~ 90-1-113, and this section."

Section 2. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 through 3 and 10 do not apply to the following officers and employees in state government:

- (1) elected officials;
- (2) county assessors and their chief deputies;
- (3) employees of the office of consumer counsel;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;
- (9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;
- (10) investment officer, assistant investment officer, executive director, and five professional staff positions of the board of investments;
- (11) four professional staff positions under the board of oil and gas conservation;
- (12) assistant director for security of the Montana state lottery;
- (13) executive director and employees of the state compensation insurance fund;
- (14) state racing stewards employed by the executive secretary of the Montana board of horseracing;
- (15) executive director of the Montana wheat and barley committee;
- (16) commissioner of banking and financial institutions;
- (17) training coordinator for county attorneys;
- (18) employees of an entity of the legislative branch consolidated, as provided in 5-2-504;
- (19) chief information officer in the department of administration;
- (20) chief business development officer ~~and six professional staff positions in the office of economic~~

development provided for in 2-15-218;

(21) chief public defender appointed by the public defender commission pursuant to the Montana Public Defender Act, Title 47, chapter 1, and the employees in the positions listed in 47-1-201(3)(a), who are appointed by the chief public defender."

Section 3. Section 90-1-105, MCA, is amended to read:

"90-1-105. Functions of department of commerce -- economic development. The department of commerce shall coordinate with the chief business development officer provided for in 2-15-218 to:

(1) provide coordinating services to aid state and local groups and Indian tribal governments in the promotion of new economic enterprises and conduct publicity and promotional activities in connection with new economic enterprises;

(2) collect and disseminate information regarding the advantages of developing agricultural, recreational, commercial, and industrial enterprises within this state;

(3) serve as an official state liaison between persons interested in locating new economic enterprises in Montana and state and local groups and Indian tribal governments seeking new enterprises;

(4) aid communities and Indian tribal governments interested in obtaining new business or expanding existing business;

(5) (a) study and promote means of expanding markets for Montana products; and

(b) provide training and assistance for Montana small businesses and entrepreneurs to expand markets for made-in-Montana products;

(6) encourage and coordinate public and private agencies or bodies in publicizing the facilities and attractions of the state;

(7) explore the use of cooperative agreements, as provided in Title 18, chapter 11, part 1, for the promotion and enhancement of economic opportunities on the state's Indian reservations; and

(8) assist the state-tribal economic development commission established in 90-1-131 in:

(a) identifying federal government and private sector funding sources for economic development on Indian reservations in Montana; and

(b) fostering and providing assistance to prepare, develop, and implement cooperative agreements, in accordance with Title 18, chapter 11, part 1, with each of the tribal governments in Montana."

1 **Section 4.** Section 90-1-112, MCA, is amended to read:

2 **"90-1-112. Policy -- purpose.** (1) It is the policy of this state to:

3 (a) strengthen the foundations of the state's business environment and diversify and expand existing
4 economic endeavors to achieve long-term economic stability;

5 (b) cooperate with business enterprises, local governments, other public organizations, and the federal
6 government and use all practical means and measures, including financial and technical assistance, to:

7 (i) establish an economic climate in which the state's natural resources and agricultural operations
8 remain constant contributors to the state's economic welfare;

9 (ii) articulate a coherent economic development vision for the future; and

10 (iii) take a proactive role to ensure that Montana has the flexibility and resources to be an effective
11 competitor in the changing global marketplace.

12 (2) The purpose of 2-15-218, 2-15-219, 90-1-112, ~~through 90-1-114~~ 90-1-113, and Title 90, chapter 10,
13 is to provide a vision and a direction through the development of strategies and initiatives to ensure that the
14 state's role in expanding the economy takes place in an orderly and effective manner."
15

16 **Section 5.** Section 90-1-131, MCA, is amended to read:

17 **"90-1-131. State-tribal economic development commission -- composition -- compensation for**
18 **members.** (1) There is a state-tribal economic development commission administratively attached to the
19 department of commerce as prescribed in 2-15-121.

20 (2) The commission is composed of 11 members, each appointed by the governor to 3-year staggered
21 terms commencing on July 1 of each year of appointment, and must include:

22 (a) the state coordinator of Indian affairs;

23 (b) one member from the department of commerce;

24 (c) ~~one member from the governor's office of economic development~~ the chief business development
25 officer provided for in 2-15-218;

26 (d) one member from each of the seven federally recognized tribes in Montana and one member from
27 the Little Shell band of Chippewa Indians. A tribal government may advertise for individuals interested in serving
28 on the commission and develop a list of applicants from which it may choose its nominee to recommend to the
29 governor. In place of choosing from a list of applicants, a tribal government may select an elected tribal official
30 to recommend for membership on the commission. If a tribal government nominates or otherwise recommends

1 more than one person for membership on the commission, the governor shall select one individual from among
2 those recommended persons.

3 (3) The members of the commission shall elect a presiding officer from among the members.

4 (4) Six members of the commission constitute a quorum, and the affirmative vote of the majority of the
5 members present is sufficient for any action taken by the commission.

6 (5) Any vacancy on the commission must be filled in the same manner as the original appointment.

7 (6) Each member of the commission is entitled to reimbursement for expenses as provided in 2-18-501
8 through 2-18-503."

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10 NEW SECTION. **Section 6. Repealer.** Section 90-1-114, MCA, is repealed.

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